

AMENDED IN ASSEMBLY APRIL 19, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 595

Introduced by Assembly Member Dymally

February 21, 2007

An act to ~~amend Section 111765 of~~ *add Section 111821* to the Health and Safety Code, relating to cosmetics.

LEGISLATIVE COUNSEL'S DIGEST

AB 595, as amended, Dymally. Cosmetics: misbranding.

The existing Sherman Food, Drug, and Cosmetic Law regulates the packaging, labeling, and advertising of food, drugs, and cosmetics. The law prohibits a person from manufacturing, selling, delivering, holding, offering for sale, or receiving in commerce any cosmetic that is adulterated, and prohibits a person from adulterating any cosmetic. ~~The law also prohibits a person from manufacturing or selling any cosmetic that is misbranded, as prescribed. A violation of that law is punishable as a misdemeanor.~~ *Existing law permits any person who manufactures a cosmetic in this state to register with the State Department of Public Health.*

~~This bill would also prohibit a person from offering for sale any cosmetic that is misbranded~~ *authorize the department, on or after January 1, 2009, within existing resources, to require any manufacturer of cosmetics that does not currently comply with specified parts of the federal Food and Drug Administration Voluntary Cosmetic Reporting Program to provide to the department information of the same kind disclosed under that program.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 111821 is added to the Health and Safety*
2 *Code, to read:*

3 111821. *On or after January 1, 2009, the State Department of*
4 *Public Health may, within existing resources, require any*
5 *manufacturer of cosmetic products that does not currently comply*
6 *with the applicable parts of the federal Food and Administration*
7 *Voluntary Cosmetic Reporting Program, set forth in Parts 710*
8 *and 720 of Title 21 of the Code of Federal Regulations, to provide*
9 *to the department information of the same kind disclosed through*
10 *the federal Food and Drug Administration Voluntary Cosmetic*
11 *Reporting Program.*

12 SECTION 1. ~~Section 111765 of the Health and Safety Code~~
13 ~~is amended to read:~~

14 ~~111765. It is unlawful for any person to manufacture, offer for~~
15 ~~sale, or sell any cosmetic that is misbranded.~~

16 SEC. 2. ~~No reimbursement is required by this act pursuant to~~
17 ~~Section 6 of Article XIII B of the California Constitution because~~
18 ~~the only costs that may be incurred by a local agency or school~~
19 ~~district will be incurred because this act creates a new crime or~~
20 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
21 ~~for a crime or infraction, within the meaning of Section 17556 of~~
22 ~~the Government Code, or changes the definition of a crime within~~
23 ~~the meaning of Section 6 of Article XIII B of the California~~
24 ~~Constitution.~~